

Assembly Bill No. 1735

CHAPTER 67

An act to amend Section 215 of the Family Code, relating to dissolution of marriage.

[Approved by Governor July 22, 2016. Filed with
Secretary of State July 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1735, Waldron. Dissolution of marriage: bifurcated judgment: service.

Existing law, if there is a modification of a judgment or order or a subsequent order in a specified proceeding relating to marriage, including dissolution of marriage, or in any other proceeding in which there was at issue the visitation, custody, or support of a child, requires that service for the new order or proceeding be made upon the party in the same manner as the notice is otherwise permitted to be served. Existing law specifies that service upon the attorney of record is not sufficient.

This bill would require service to be upon the attorney of record for represented parties or upon the parties themselves if unrepresented when the court has ordered an issue or issues bifurcated for separate trial in advance of the disposition of the entire case. The bill, however, would require service to be upon both the party and the attorney of record if a pleading has not been filed in the action for a period of 6 months after the entry of the bifurcated judgment.

The people of the State of California do enact as follows:

SECTION 1. Section 215 of the Family Code is amended to read:

215. (a) Except as provided in subdivision (b) or (c), after entry of a judgment of dissolution of marriage, nullity of marriage, legal separation of the parties, or paternity, or after a permanent order in any other proceeding in which there was at issue the visitation, custody, or support of a child, no modification of the judgment or order, and no subsequent order in the proceedings, is valid unless any prior notice otherwise required to be given to a party to the proceeding is served, in the same manner as the notice is otherwise permitted by law to be served, upon the party. For the purposes of this section, service upon the attorney of record is not sufficient.

(b) A postjudgment motion to modify a custody, visitation, or child support order may be served on the other party or parties by first-class mail or airmail, postage prepaid, to the persons to be served. For any party served by mail, the proof of service shall include an address verification.

(c) This section does not apply if the court has ordered an issue or issues bifurcated for separate trial in advance of the disposition of the entire case. In those cases, service of a motion on any outstanding matter shall be served either upon the attorney of record, if the parties are represented, or upon the parties, if unrepresented. However, if there has been no pleading filed in the action for a period of six months after the entry of the bifurcated judgment, service shall be upon both the party, at the party's last known address, and the attorney of record.